

E-filed 5/19/08

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)

THOMAS VAN ZANDT) Case No. CV 07-04987 JF
v. Plaintiff,)
CITY OF SAN JOSE, et al.,) STIPULATION AND ORDER
Defendants.) OF THE COURT RE: FILING
) AMENDED COMPLAINT

)

Wherefore Plaintiff named employees of Defendant Professional Security Consultants as Doe Defendants 1 through 4 employees of Professional Security Consultants, because their identities were unknown to Plaintiff at the date of filing;

Wherefore, Professional Security Consultants' counsel indicated on or about April 7, 2008 that, on information and belief, Does 1 and 2 are Ryan Scott and Daniel Garcia; and

Wherefore, counsel believe they have learned the name of the woman who made a report alleging child molestation to Target and/or Professional Security Consultants. On counsel's information and belief, that woman's name is Samantha Fein;

Wherefore, Plaintiff seeks to add causes of action for intentional infliction of emotional distress and violation of California Penal Code §11172, as against Ms. Fein, so that

1 all causes of action arising from the incident in question may be adjudicated in one
 2 proceeding. Counsel for Professional Security Consultants, the City of San Jose and its
 3 Defendant employees, and Westfield, LLC., have no objection to adding Plaintiff's claims
 4 against Ms. Fein; and

5 **Wherefore**, Counsel for Professional Security Consultants has not, as yet, been
 6 retained to represent any Defendant employees of Professional Security Consultants;

7 The parties hereto, in consultation with and by and through their respective counsel,
 8 do hereby agree and stipulate as follows, and respectfully request that this Court order same:

9 1. Plaintiff may e-file an amended complaint (proposed Second Amended
 10 Complaint attached) to name as Does 1 and 2 Ryan Scott and Daniel Garcia, and
 11 adding Plaintiff's claims against Samantha Fein.

12 2. Plaintiff may e-file the proposed Second Amended Complaint within 20
 13 days of receipt of this Stipulation signed by the Court.

14 3. Defendants waive personal service of the Summons and Second Amended
 15 Complaint on behalf of all Defendants other than Scott, Garcia, and Fein, and
 16 authorize Defendants' respective counsel accepting the e-filed version of the
 17 Second Amended Complaint as service on all Defendants other than Scott, Garcia,
 18 and Fein.

20 IT IS SO STIPULATED.

23 Dated: 5/ __/08

24 /s/ Dennis R. Ingols
 DENNIS R. INGOLS, ESQ.
 25 Attorney for Plaintiff

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1 Dated: 5/____/08

2
3 MICHAEL GROVES, ESQ.
4 Attorney for Defendants City of
5 San Jose, Weir, Pfeiffer, Higgins,
6 And Natividad

7 Dated: 5/____/08

8
9 KIM JAMES, ESQ.
10 Nelson, Perlov & Lee
11 Attorneys for Defendant Westfield, LLC.

12 Dated: 5/____/08

13 SEJAL OJHA, ESQ.
14 Manning & Marder, Kass, Ellrod, Ramirez
15 Attorney for Defendants Professional
16 Security Consultants

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ORDER

13 Based on the foregoing stipulation of the parties, the court does hereby adopt said
14 stipulation and makes same an order of this court.

15 Date: 5 / 19 /08

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JUDGE JEREMY FOGEL
U.S.D.C. NORTHERN DISTRICT
OF CALIFORNIA

1 Dated: 5/11/08


MICHAEL GROVES, ESQ.
Attorney for Defendants City of
San Jose, Weir, Pfeiffer, Higgins,
And Natividad

5 Dated: 5/11/08

KIM JAMES, ESQ.
Nelson, Perlov & Lee
Attorneys for Defendant Westfield, LLC.

8 Dated: 5/11/08

SEJAL OJHA, ESQ.
Manning & Marder, Kass, Ellrod, Ramirez
Attorney for Defendants Professional
Security Consultants

12 **ORDER**

13 Based on the foregoing stipulation of the parties, the court does hereby adopt said
14 stipulation and makes same an order of this court.

15 Date: / /08

JUDGE JEREMY FOGL
U.S.D.C. NORTHERN DISTRICT
OF CALIFORNIA

1 Dated: 5/____/08

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3
4
5 MICHAEL GROVES, ESQ.
6 Attorney for Defendants City of
7 San Jose, Weir, Pfeiffer, Higgins,
8 And Natividad

9 Dated: 5/____/08

10 KIM JAMES, ESQ.
11 Nelson, Perlov & Lee
12 Attorneys for Defendant Westfield, LLC.

13 Dated: 5/5/08

14 SEJAL QJHA, ESQ.
15 Manning & Marder, Kass, Ellrod, Ramirez
16 Attorney for Defendants Professional
17 Security Consultants

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ORDER

Based on the foregoing stipulation of the parties, the court does hereby adopt said
stipulation and makes same an order of this court.

Date: / /08

JUDGE JEREMY FOGL
U.S.D.C. NORTHERN DISTRICT
OF CALIFORNIA